



06-15-04 IFR (C) 1687

PTO/SB/30 (10-01)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Commissioner for Patents
MS RCE
Alexandria, VA 22313

<i>Application Number</i>	10/054,680
<i>Filing Date</i>	01/22/02
<i>First Named Inventor</i>	Friddle
<i>Art Unit</i>	1647
<i>Examiner Name</i>	C. J. Nichols
<i>Attorney Docket Number</i>	LEX-0301-USA

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114

a. Previously submitted

i. Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).

ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. Other _____

b. Enclosed

i. Amendment/Reply

iii. Information Disclosure Statement (IDS)

ii. Affidavit(s)/Declaration(s)

iv. Other Return postcard, fee transmittal (orig & copy)

Ex. A-B

2. Miscellaneous

a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17 (i) required)

b. Other _____

3. Fees The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.

a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0892

i. RCE fee required under 37 CFR 1.17 (e)

ii. Extension of time fee (37 CFR 1.136 and 1.17)

iii. Other _____

b. Check in the amount of \$_____ enclosed

c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Lance K. Ishimoto <i>Lance K. Ishimoto</i>	Registration No. (Attorney/Agent)	41,866
Signature	<i>Lance K. Ishimoto</i>	Date	June 14, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail, EV322477679US, in an envelope addressed to: Commissioner For Patents, MS RCE, P.O. Box 1450, Alexandria, VA 22313 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Nancy Stacey <i>Nancy Stacey</i>	Date	June 14, 2004
Signature		Date	June 14, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND COMPLETED FORMS TO THE FOLLOWING ADDRESS: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

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FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 770.00)

Complete if Known	
Application Number	10/054,680
Filing Date	01/22/02
First Named Inventor	Friddle
Examiner Name	C. J. Nichols
Group Art Unit	1647

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

Deposit Account

Deposit Account Number 50-0892
Deposit Account Name Lexicon Genetics Incorporated

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity | Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	9	-20**=	<input type="text"/>	X	<input type="text"/>	0	=	<input type="text"/>
Independent Claims	8	-8*=	<input type="text"/>	X	<input type="text"/>	0	=	<input type="text"/>
Multiple Dependent							=	<input type="text"/>

Large Entity | Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

*or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES	Large Entity	Small Entity	Fee Description	Fee Paid	
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840**	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	770.00
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) _____				SUBTOTAL (3) (\$)	770.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	Lance K. Ishimoto	Registration No. (Attorney/Agent)	41,866	Telephone (281) 863-3333
Signature	 Peter G. Selevan Reg. No. 40162			Date June 14, 2004

Customer # 24231

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization of PTO-2038.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Friddle <i>et al.</i>	Group Art Unit: 1647
Application No.:	10/054,680	Examiner: C. J. Nichols
Filed:	01/22/02	
Title: Novel Human Ion Exchanger Proteins and Polynucleotides Encoding the Same	Atty. Docket No.: LEX-0301-USA	

REQUEST FOR CONTINUED EXAMINATION UNDER 37 C.F.R. § 1.114
AMENDMENT AND RESPONSE

Mail Stop RCE
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

The Applicants acknowledge the receipt of the Advisory Action mailed on March 4, 2004 (Paper No. 0), which has been carefully reviewed and studied. In the Advisory Action the Examiner objected to new information submitted in response to the Final Office Action (the "Final Action"). While Applicants do not agree that this information requires a new search, Applicants do believe that consideration of this evidence is critical to proper and accurate examination, thus in order to more rapidly advance this application towards allowance Applicants hereby respectfully request continued examination of application Serial No: 10/054,680 and submit again the following amendments and evidence and respectfully request reconsideration of the application in view of these amendments, submissions and remarks.

A Petition for an Extension of Time of two months to and including June 20, 2004, which falls upon a Sunday and is thus extended to June 21, 2004 and authorization to deduct the fee as required under 37 C.F.R. § 1.17(a)(1) from Applicants' representatives Deposit Account are included. The response is thus timely filed. Applicants believe no fees in addition to the fee for the extension of time and the fee for the Request for Continued Examination (RCE) are due in connection with this response.

However, should this be incorrect the Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-0892.